

REMARKS/ARGUMENTS

The final Office action mailed on February 18, 2004 has been carefully reviewed and the above identified amendments have been provided to thoroughly address each of the rejections provided by the examiner in that Office action. In addition, the following remarks are submitted to clarify and explain the importance of the above amendments and to support a finding by the examiner that the claims, as amended, are now in a form warranting allowance of this case. Accordingly, the undersigned respectfully requests reconsideration by the examiner in this case.

At the outset, the undersigned notes that claims 5-9, 11, 15, 20 and 29-31 currently have allowed status. These claims have been left unamended and should maintain their allowed status. Additionally, none of the remaining claims have been rejected under §112, or objected to, such that no formal issues remain in this case.

The examiner had rejected claims 1-3, 10, 12-14, 16-19 and 32-38 under 35 U.S.C. §102(e) based on the teachings of Reible. Applicant has amended remaining independent claims 1, 14 and 32 to distinguish these claims from the teachings of Reible. Specifically, in an interview with the examiner conducted on Thursday, June 10, 2004, the examiner and the undersigned discussed a proposed amendment faxed to the examiner on June 4, 2004. This proposed amended to claim 1 included the same language included herein and was considered by the examiner to appear to be patentably distinct from the teachings of Reible.

Specifically, claim 1 has been amended to require the elongate firing chamber to have a rear end "open to said first end along a substantially linear path." The amendment to claim 1 contained herein is identical to that amendment discussed with the examiner in the June 10, 2004 interview. Applicant respectfully submits that claim 1 is thus now in a form warranting allowable status. Claims 2, 3, 10, 12 and 13 depend from amended claim 1, either directly or through intervening claims. Hence, these dependent claims should also now be in a form warranting allowable status.

Claim 14 has been amended in a manner analogous to the amendments provided to claim 1. Specifically, claim 14 has been amended to require a firing chamber that is "hollow along a substantially linear path between a back plug and a barrel through which a paint ball is fired." Thus, claim 14 has been amended to require this substantially linear path similar to the amendment made to claim 1. For the reasons specified above with respect to claim 1, claim 14 is now also considered to be in a form warranting allowable status. Claims 16-19 depend from claim 14, either directly or through intervening claims. Hence, these claims benefit from the amendments made to claim 14 and should now also be in a form warranting allowable status.

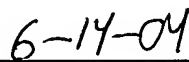
Claim 32 has been amended in a manner analogous to the amendments made to claims 1 and 14. Specifically, claim 32 has been amended to require "an open substantially linear path between said closed end and said open end." For the reasons specified above with respect to claim 1, claim 32 should now also be in a form warranting allowable status. Claims 33-38 depend from amended claim 32, either directly or through intervening claims. Hence, these claims should also now be in a form warranting allowable status.

In view of the foregoing, it is respectfully requested that the examiner pass this case to issue. If, upon consideration, the examiner believes further issues remain outstanding or new ones have been generated, the undersigned requests that the examiner call the undersigned to set up a personal or telephone interview with the undersigned to resolve any such remaining issues.

Respectfully Submitted:



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Date